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10/673,505	09/30/2003	Francisco Villa Cervantes	03156	1664

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EXAMINER

KARLS, SHAY LYNN

ART UNIT PAPER NUMBER

1744

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/673,505

**Applicant(s)**

VILLA CERVANTES, FRANCISCO

**Examiner**

Shay L. Karls

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 14 on figure 2. Additionally, the drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 13' on page 6, line 1.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not

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accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 12 recites the limitation “a duct” and claim 1, lines 12-13 further recite “a duct”. The applicant needs to amend these limitations to avoid confusion between the two ducts. The first recitation of a duct could be amended to read “an expulsion duct” while the second recitation of a duct could be amended to read “a suction duct”. This suggested terminology would be consistent with the remaining claims.

Claim 2, line 4 recited the limitation of “the duct”. There is insufficient antecedent basis for this limitation in the claim. It is unclear which “duct” the applicant is referring to. It is suggested to change the claim language to “the expulsion duct”.

Claim 2, line 5 recited the limitation of “the duct”. There is insufficient antecedent basis for this limitation in the claim. It is unclear which “duct” the applicant is referring to. It is suggested to change the claim language to “the suction duct”.

Claim 4, line 7 recited the limitation of “the duct”. There is insufficient antecedent basis for this limitation in the claim. It is unclear which “duct” the applicant is referring to. It is suggested to change the claim language to “the suction duct”.

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Claim 7, lines 3-4 state "a cavity or space" and lines 4-5 states "which space has a drain pipe." This is confusing since the applicant stated a cavity or a space in lines 3-4. Therefore, lines 4-5 should read ---which cavity or space has a drain pipe.---

Claim 8 recites the limitation "said drain pipe" in line 6. There is insufficient antecedent basis for this limitation in the claim. It is suggested to change the dependency of the claim so that it depends from claim 7. Claim 8 is being examined as though it is dependent from claim 7.

Claim 8 recites the limitation "the general drain" in lines 10-11. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 5, 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson et al. (USPN 6260232).**

Nelson teaches a machine for cleaning vehicle windows. There is a main body (19) comprising receptacles (15, 18), electrical connections, water inlets, water outlets and control means (col. 3, lines 1-30). When in use, a user's arm supports a cleaning wiper (12) in a raised position relative to the main body. The cleaning wiper (12) receives, via a flexible tube (14), an expulsion duct (17) and suction duct (14). There is a liquid pump (18) which prepares and expulses the cleaning fluid through the cleaning wiper. There is a cylindrical core (32) surrounding a cylindrical member (23) wherein a cylindrical sponge (37) surrounds both the core

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and the member. The core, member and sponge all help to retain cleaning fluid in a central area (24) of the wiper. There is a vacuum unit (16) that is used to draw in and evacuate the cleaning fluid once it has been used. There is a control unit (col. 3, lines 6-10 and lines 21-30) for controlling the general operation of the machine.

With regards to claim 5, there are holes (26, 34) disposed in the wiper that are distributed longitudinally along the central cavity for homogeneous expulsion of the cleaning fluid inside the wiper.

With regards to claim 6, the wiper comprises a trigger (21) for its operation and for regulating the volume of cleaning fluid supplied through the wiper.

With regards to claim 9, the machine can be operated by push-buttons (col. 3, lines 27-30).

**Claims 1, 4, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kumagai (USPN 4170805).**

Kumagai teaches a machine for cleaning vehicle windows. There is a main body (20) comprising receptacles (20, 36, 44), electrical connections, water inlets, water outlets and control means (30, 32). When in use, a user's arm supports a cleaning wiper (56) in a raised position relative to the main body. The cleaning wiper (56) receives, via a flexible tube (52), an expulsion duct (48) and suction duct (54). There is a water pump (36) which prepares and expulses the cleaning fluid through the cleaning wiper. The wiper comprises a sponge (68) to help retain cleaning fluid in a central area (figure 2). There is an air exhaust means (34) for drawing in and evacuating the cleaning fluid once it has been used. There is a control unit (30, 32) for controlling the general operation of the machine.

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With regards to claim 4, the sponge (68) retains cleaning fluid in the central area of the wiper. There is additionally a rubber seal (62) extending around the periphery of the wiper.

With regards to claim 5, there are holes (64) disposed in the wiper that are distributed longitudinally along the central cavity for homogeneous expulsion of the cleaning fluid inside the wiper.

With regards to claim 6, the wiper comprises a trigger (50) for its operation and for regulating the volume of cleaning fluid supplied through the wiper.

**Claims 1-2 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ginsburgh et al. (USPN 3538535).**

Ginsburgh teaches a machine for cleaning vehicle windows. There is a main body (26) comprising receptacles (38), electrical connections, water inlets, water outlets and control means (col. 2, lines 43-57). When in use, a support (27) holds the cleaning wipe in a raised position relative to the main body (figure 1). The cleaning wiper (31) receives, via a flexible tube (30), an expulsion duct (49) and suction duct (50) (col. 6, lines 60-68). There is a water pump (41) which prepares and expulses the cleaning fluid through the cleaning wiper. The wiper comprises a sponge (107; col. 5, lines 38-40) to help retain cleaning fluid in a central area (figure 7). There is a recirculation conduit (50) and a vacuum with suction openings (103a) for drawing in and evacuating the cleaning fluid once it has been used. There is a control unit (col. 3, lines 36-39)) for controlling the general operation of the machine.

With regards to claim 2, there is a swiveling cross member (28) supporting the flexible tube (30).

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With regards to claim 4, the sponge (107) retains cleaning fluid in the central area of the wiper. There is additionally a rubber seal (90, 92, 97, 103, 104) extending around the periphery of the wiper.

With regards to claim 5, there are holes (85a, 88a) disposed in the wiper that are distributed longitudinally along the central cavity for homogeneous expulsion of the cleaning fluid inside the wiper.

With regards to claim 6, the wiper comprises a trigger (93) for its operation and for regulating the volume of cleaning fluid supplied through the wiper.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson ('232) or Kumagai ('805) all in view of Ginsburgh ('535).**



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Nelson or Kumagai teach all the essential elements of the claimed invention however fail to teach using a swivel arm to support the cleaning wiper. Ginsburgh teaches using a swivel arm (28) to support the wiper. It would have been obvious to modify Nelson or Kumagai so that their wiper's are supported on a swivel arm as taught by Ginsburgh since the swivel arm will help the user reach all areas of the window without dragging the flexible hose across the car which in turn could lead to scratching of the paint.

**Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson ('232) or Kumagai ('805) or Ginsburgh ('535) all in view of Bullis (PGPub 2002/0148066).**

Nelson, Kumagai or Ginsburgh teach all the essential elements of the claimed invention however fail to teach a foam reactor which receives fluid from a detergent reservoir and water from a general water source. Bullis teaches a window cleaning machine comprising a foam reactor (35) receiving cleaning solution from a receptacle (30) and water from separate receptacle (36) by means of a pump (51). There is an air compressor (83) supplying compressed air to the foam reactor. It would have been obvious to modify the cleaning solution receptacles of Nelson, Kumagai and Ginsburgh with the foam reactor as taught by Bullis so that the cleaning fluid will be released as foam. With the cleaning solution and water in foam condition the foam clings or adheres to even vertical surfaces thereby maintaining the disinfectant foam in contact with the surfaces long enough to kill the bacterial present. The increase in "cling time" provides for longer contact between the disinfectant and the bacteria thereby ensuring a more effective bacteria kill than with a liquid disinfectant that runs off immediately after application (paragraph 0019).

**Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson ('232) in view of Lynn (USPN 5134748).**

Nelson teaches all the essential elements of the claimed invention however fails to teach a cavity or space for containing the wiper between uses wherein the space has a drain pipe (claim 7). Lynn teaches a window cleaning machine comprising a container with a cavity or space (58) for placing the wiper between uses. There is a drain pipe (56) attached to the cavity or space for draining the fluid remaining in the wiper (col. 3, lines 47-54). It would have been obvious to modify the machine of Nelson so that the references comprise a cavity or space, with a drain pipe attached, for the placement of the wiper when not in use, as taught by Lynn so that the excess fluid from the wiper can be drained off and expelled, thus leaving a clean wiper (col. 3, lines 47-54).

**Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumagai ('805) or Ginsburgh ('535) all in view of Lynn (USPN 5134748).**

Kumagai or Ginsburgh teach all the essential elements of the claimed invention including a suction duct (54, 50 respectively), a suction device (36, 41 respectively) which sends the dirt cleaning fluid to a reservoir (48, 38 respectively) after passing through a filter (44, 43 respectively) for removing impurities. The references however fail to teach a cavity or space for containing the wiper in between uses (claim 7), wherein the space comprises a drain pipe (claim 7 and 8). Lynn teaches a window cleaning machine comprising a container with a cavity or space (58) for placing the wiper between uses. There is a drain pipe (56) attached to the cavity or space for draining the fluid remaining in the wiper (col. 3, lines 47-54). It would have been obvious to modify the machines of Kumagai and Ginsburgh so that the references comprise a

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cavity or space, with a drain pipe attached, for the placement of the wiper when not in use, at taught by Lynn so that the excess fluid from the wiper can be drained off and expelled, thus leaving a clean wiper (col. 3, lines 47-54).

**Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kumagai ('805) or Ginsburgh ('535) all in view of Finley et al. (USPN 4194262).**

Kumagai or Ginsburgh teach all the essential elements of the claimed invention however fail to teach that the machine can be operated with a coin or card prepayment system. Finley teaches a vacuum extraction machine comprising a coin activated system (16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kumagai or Ginsburgh to use a coin activated system on their machines so that the use of the machines at gas stations can be monitored. The idea of using a coin activated machines at gas stations is well known in the art, i.e. air supply machines, vacuums, etc. Thus it would have been obvious to use coin activated window cleaners since it will prevent users from excessively using the machine and wasting cleaning fluid.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Karls whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Slk' followed by a stylized flourish.

Slk  
8/28/06